

No. 19-3149

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**UNITED STATES COURT OF APPEALS  
FOR THE THIRD CIRCUIT**

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**IN RE: THRIVEST SPECIALTY FUNDING LLC,  
PETITIONER**

(Related to E.D. Pa. No. 2-12-md-02323)

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**UNCONTESTED AMENDED MOTION FOR EXTENSION OF  
TIME FOR ANSWERS TO PETITION FOR WRIT OF  
MANDAMUS AND FOR REPLIES TO ANSWERS**

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TO THE HONORABLE COURT OF APPEALS FOR THE THIRD CIRCUIT:

The Claims Administrator files this Uncontested Amended Motion pursuant to Fed. R. App. P. Rule 26(b) and 3d Cir. L.A.R. 27.3 to extend by seven days the time for filing answers to the Petition for Writ of Mandamus in this matter and extend by eight days the time for Petitioner to reply to any such answers, as follows:

1. By Order on September 23, 2019, the Court directed Respondent to file an answer to the Petition for Writ of Mandamus filed by Petitioner Thrivest

Specialty Funding, LLC, on or before Friday, October 4, 2019, and for Thrivest to reply to that answer by October 8, 2019.

2. By Order on September 26, 2019, the Court directed that the Claims Administrator and Class Counsel, if they wish to file an answer, are to do so by October 4, 2019, with Petitioner to reply collectively by October 8, 2019. Before entry of that Order, the Claims Administrator had filed earlier today a Motion to Extend the deadline to answer the Petition and to reply to such answers. This Amended Motion is necessary to clarify that such extension is requested for all answers to the Petition and to set the deadline for Petitioner to reply to any answers as on or before October 16, 2019, rather than October 15, 2019, as stated in the Motion for Extension filed earlier today, as explained below.

3. The District Court to whom the Petition is directed and her staff will observe the Rosh Hashana holiday beginning in the evening of Sunday, September 29, 2019, through the evening of Tuesday, October 1, 2019, as well as the Yom Kippur holiday from the evening of Tuesday, October 8, 2019, through the evening of Wednesday, October 9, 2019. The availability of the District Judge and her staff will be necessary to the preparation of answers to the Petition.

4. To permit that participation given the intervening holidays, this Motion asks that the deadline for Respondent, the Claims Administrator and Class

Counsel to answer the Petition be moved seven days from Friday, October 4, 2019, to Friday, October 11, 2019, after the Yom Kippur holiday.

5. This Amended Motion also asks that the deadline for Petitioner to reply to all the answers to the Petition be moved from Tuesday, October 8, 2019, to Wednesday, October 16, 2019.

6. This Amended Motion is necessary to clarify that the extension requested applies to all answers to the Petition and to reflect the agreement between the movant and counsel for the Petitioner for the deadline for Petitioner's reply to the answer to the Petition. The Motion that this Amended Motion replaces had asked for the reply deadline to be moved to Tuesday, October 15, 2019, when the Petitioner needs and does not contest moving it to Wednesday, October 16, 2019.

7. There will be no other motions for extension of time in this matter.

**CERTIFICATION OF CONFERENCE AND OF UNCONTESTED MOTION**

1. Counsel for the Claims Administrator has conferred with Class Counsel and has been authorized to inform the Court that Class Counsel joins in this Amended Motion for Extension of time.

2. Counsel for the Claims Administrator has conferred with counsel for Petitioner and has been authorized to inform the Court that Petitioner does not contest this Amended Motion for Extension of time.

For the reasons stated, the Claims Administrator prays that this motion be granted and that the time for all answers to the Petition be extended to on or before Friday, October 11, 2019, and the time for Petitioner's reply to all answers be extended to on or before Wednesday, October 16, 2019.

Respectfully submitted,

s/ Orran L. Brown, Sr.  
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*Counsel for the Claims Administrator*

Date: September 26, 2019

## **CERTIFICATE OF SERVICE**

Pursuant to 3d Cir. L.A.R. 113.4(c), I certify that on September 26, 2019, I electronically filed this uncontested motion with the Clerk of the Court for the United States Court of Appeals for the Third Circuit using the Court's CM/ECF system, and that as a result counsel for Petitioner, who is a registered Filing User, and all other counsel of record who are registered Filing Users will be served electronically through the Court's CM/ECF system.

s/ Orran L. Brown, Sr.  
Orran L. Brown, Sr.